

TITLE 5. DEPARTMENT OF COMMUNITY AFFAIRS  
CHAPTER 23. UNIFORM CONSTRUCTION CODE  
SUBCHAPTER 12A. OPTIONAL ELEVATOR INSPECTION PROGRAM

N.J.A.C. 5:23-12A

§ 5:23-12A.1 Title; scope; intent

(a) This subchapter of the rules, adopted pursuant to the authority of the Uniform Construction Code Act, as supplemented by P.L. 1997, c.336, is entitled "Optional Elevator Inspection Program" and shall be known and cited throughout this chapter as N.J.A.C. 5:23-12A. When referred to in this subchapter, it may be cited as "this subchapter."

(b) Unless otherwise specifically provided, all references to paragraphs, sections, or to provisions not specifically identified, shall be construed to refer to such paragraph or section or provision of this subchapter.

(c) This subchapter shall control all matters relating to the administration of the registration of qualified elevator device inspection firms, hereinafter referred to as "qualified firms," qualified elevator device inspectors and the elevator devices enrolled in this optional program, as defined in (d) below.

(d) For purposes of this subchapter, "elevator" or "elevator device" means a hoisting and lowering device equipped with a car or platform which moves in guides for the transportation of individuals or freight in a substantially vertical direction through successive floors or levels of a building or structure. The term shall include, without limitation, elevators, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts and any device within the scope of ASME A17.1 (Safety Code for Elevators and Escalators) or ASME A90.1 (Safety Standard for Belt Manlifts), except escalators and moving walks.

1. This definition shall not apply to any conveyor devices that are process equipment.

§ 5:23-12A.2 Qualified elevator device inspection firms

(a) Any sole proprietorship, partnership, association or corporation that is engaged in the business of maintaining, inspecting and testing elevator devices, has at all times, as a bona fide employee, at least one qualified elevator device inspector, and carries general liability insurance in at least the amount of \$ 4,000,000 for each person and each occurrence to satisfy claims or judgments for property damage and/or personal injury may apply for registration with the Department as a qualified firm.

1. The application shall contain information relating to the financial integrity of the firm, as evidenced by a reviewed financial statement prepared by an independent certified public accountant.

2. The application shall contain the names and addresses and home phone numbers of all persons who hold at least a ten percent interest in the qualified firm and/or are corporate officers.

3. Each applicant for registration as a qualified firm shall disclose in the application any subsidiary or parent relationship with any other qualified firm or other entity

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regulated by the State Uniform Construction Code and shall further disclose all interests of any officer, partner, or stockholder of the firm in any other qualified firm or other entity regulated by the State Uniform Construction Code.

4. Each application shall include a sample form of the contract of full service needs to be used for the purposes of this subchapter.

(b) Upon receipt of a completed application on a form prescribed by the Department, including the information in (a) above and a nonrefundable fee of \$ 250.00, the Department shall issue a certificate of registration, unless the application is denied in accordance with (c) below.

1. The certificate of registration shall remain valid, unless revoked in accordance with (c) below, for two consecutive years following the date of registration; provided, however, that the certificate of registration shall become inactive for any period of time during which the firm ceases to engage in the business of maintaining, inspecting and testing elevator devices or ceases to employ at least one qualified elevator device inspector. It shall be the responsibility of the qualified firm to inform the Department within 30 days of any changes to the status of the qualified firm during the two-year registration period. It shall be the responsibility of the firm to reapply for registration at least two months prior to the renewal date to make current the information contained in the original application by submission of a completed reapplication form, as prescribed by the Commissioner.

(c) A certificate of registration may be denied or revoked if the Department determines that the firm, or any person holding an ownership interest in the firm or otherwise authorized to represent the firm, has at any time:

1. Willfully made a misstatement of material fact in an application for issuance or renewal of a registration certificate;
2. Willfully committed fraud in connection with the maintenance, inspection or testing of any elevator device;
3. Maintained, inspected or tested any elevator device in a grossly negligent manner;
4. Failed to ensure that the qualified elevator device inspectors that it employs perform their duties in accordance with the requirements of this subchapter;
5. Habitually failed to ensure the timely submission of the elevator device certification in accordance with the requirements of this subchapter;
6. Willfully violated the requirements of the State Uniform Construction Code to any substantial degree; or
7. Failed to report an accident or equipment failure as required by the building subcode and N.J.A.C. 5:23-12.11.

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§ 5:23-12A.3 Qualified elevator device inspector

(a) A candidate for certification as a qualified elevator device inspector for the inspection and testing of elevator devices enrolled under this subchapter shall pay a nonrefundable fee of \$ 65.00 and shall meet the following competence and experience requirements:

1. Seven years of experience consisting of one or a combination of the following:
  - i. Experience in construction, design, or supervision as a journeyman in a skilled trade currently regulated by the elevator subcode;
  - ii. Experience as an elevator inspector; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the elevator subcode; and
2. Demonstration of competence by successful completion of one of the following:
  - i. Successful completion of the examination module 6B-Elevator General of the National Certification Program for Construction Code Inspectors administered by the Chauncy Group, a subsidiary of the Educational Testing Service for the Department; or
  - ii. Possession of a current Qualified Elevator Inspector (QEI) certificate issued pursuant to ASME QEI-1-1993.

(b) The certificate shall be renewed every three years upon the submission of a renewal application, payment of a renewal fee of \$ 65.00 and submission of documentation of continuing education as follows:

1. Documentation of having completed 1.5 Continuing Education Units (CEUs) in a related technical subject area, as approved by the Bureau of Code Services, within the three-year period preceding the date of application. One CEU equals 10 contact hours;
2. Annual submission of a current QEI certificate; or
3. Submission of equivalent certification approved by the Bureau of Code Services.

(c) A qualified elevator device inspector, when employed by a qualified elevator device inspection firm, shall perform, and certify by signature, the inspection and tests required by this subchapter. The qualified inspector shall not inspect his or her own work; however, the qualified elevator device inspector may perform work as required under the contract of full service needs on the device he or she is inspecting at the time of the inspection and test, provided that work does not require more than one person. The maintenance and repair of a contracted device that is required at any other time under a contract of full service needs shall be performed by another individual, and not by the certifying inspector.

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(d) The Department may revoke a certificate, suspend a certificate for not more than one year, and/or assess a civil penalty of not more than \$ 500.00 for each violation, if the Department determines that a qualified inspector:

1. Has violated any provision of the State Uniform Construction Code;
2. Has obtained a certificate by fraud or misrepresentation;
3. Has been grossly negligent or has engaged in misconduct in the performance of his or her duties pursuant to this subchapter;
4. Has failed, over a period of time, to maintain a minimally acceptable level of competence;
5. Has failed to comply with any order issued by the Department;
6. Has made a false or misleading written statement, or has made a material omission, in any submission to the Department; or
7. Has engaged in any conduct which demonstrates incompetency or dishonesty.

(e) An individual possessing an elevator inspector HHS license issued pursuant to N.J.A.C. 5:23-5.19 may apply for the qualified elevator device inspector certificate by completing an application and paying a fee of \$ 65.00. This certificate shall be a rider to the elevator inspector HHS license and shall be renewed separately from all other licenses.

1. Any violation notice issued to a licensee pursuant to this subchapter shall not be deemed to be an action taken with regard to the elevator inspector HHS license. Any such notice shall only be subject to review by a review committee under N.J.A.C. 5:23-5.23(d) if the Department indicates that it also intends to take action regarding the licensee's elevator inspector HHS license on the basis of the same set of facts.

§ 5:23-12A.4 Enrollment of devices

(a) Elevator devices, as defined by this subchapter, can be enrolled in this optional program by the owner or the owner's agent. To be eligible for enrollment, an elevator device shall be subject to the cyclical inspections and witnessing of tests, as defined by this subchapter, by the qualified elevator device maintenance, inspection and testing firm under a contract of full service needs with the owner of the elevator.

1. For purposes of this subchapter, a contract of full service needs is a contract which stipulates that:

i. The scope of the applicable inspections and tests shall be in accordance with the most recent edition of ASME A17.1 or A90.1 referenced in the building subcode and the frequency of the inspections and tests, as well as the inspection/testing procedures, shall be in accordance with N.J.A.C. 5:23-12;

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ii. The registered firm shall issue a certification that the inspection and tests have been performed and the signed report on the results shall be issued to the owner and to all other parties to whom the report is required to be sent; and

iii. The performance of the repairs necessary to ensure compliance of inspected/tested equipment with the requirements of applicable ASME A17.1 or A90.1 is required.

(b) To allow for the construction official to make necessary changes in official records regarding the elevator devices inspected/tested by the qualified firm, the devices shall be placed under or removed from this optional program by the owner or the owners agent not later than two months prior to the cyclical inspection/test, as required by the building's inspection cycle established, pursuant to N.J.A.C. 5:23-12.3(a)4, by the enforcing agency having jurisdiction. This application for enrollment shall be on a form prescribed by the Department. The Department shall be notified by the owner of any changes made with regard to services being provided by the qualified firm not later than two months prior to the date of the cyclical inspection.

1. In addition to forwarding lists of the registered buildings and devices to the construction official quarterly, the Department shall issue update letters to the owners of devices placed under or removed from the optional program, and shall send copies of these letters to the construction official.

(c) As a result of an applicable inspection and test, the qualified firm shall issue a device certification to the Bureau of Code Services, so as to ensure that the required inspection and tests are performed and that the device is being maintained as required by this subchapter.

1. Within 20 working days from the date when each cyclical inspection/test was performed, the qualified firm shall:

i. File a certification with the Department for each device on a form prescribed by the Department, at the same time providing the owner with a copy of such certification; and

ii. Report to the owner, on a form prescribed by the Department, the results of the performed inspection/test.

2. A certification filed with the Department by a qualified firm shall include:

i. A statement that the elevator device was inspected and tested by the qualified firm according to the most recent addition of ASME A17.1 or A90.1 referenced in the building subcode and was found to be in conformance with the requirements of the code(s) under which the device was installed or altered;

ii. The building's cycle and registration number;

iii. The date and the type of the applicable inspection or inspection/test performed;

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- iv. The expiration date of the certification; and
  - v. The name, signature and the certification number of the qualified inspector.
3. The certification shall be accompanied by a filing fee in the amount of \$ 30.00.

(d) In addition to any other remedies provided for by these rules, a penalty in the amount of \$ 100.00 shall be assessed whenever a certificate required by this section is not filed with the Bureau of Code Services within 45 days of the due date as described in (c) above. This penalty shall be issued against the qualified firm with a information copy to the owner. Additional penalties shall be assessed in the event of further delay in filing. All violations of this filing requirement by a qualified firm shall be made a part of the qualified firm's file and reviewed at the time of renewal application, along with all other aspects of the qualified firm's performance pursuant to this subchapter.

§ 5:23-12A.5 Permit process and monitoring

(a) All construction permit-related enforcement processes, inspection and witnessing of the "five year" tests of traction and roped hydraulic elevators, and inspection and witnessing of applicable tests at the "five-year" intervals of all other types of elevator devices enrolled in the optional program, shall be performed by the enforcing agency having jurisdiction pursuant to N.J.A.C. 5:23-4.3(a)3. The Department shall define cyclical inspections/tests at the time when those will be assigned to the enforcing agencies.

1. The Department shall notify the local jurisdiction at least two months prior to the inspections and witnessing of tests required to be done by the local jurisdiction.

2. Fees for permit-related enforcement shall be as required by the Uniform Construction Code. The fee for the required cyclical inspection and test performed/witnessed by the local jurisdiction, in the amount of \$ 150.00, shall be reimbursed by the Department and such fee shall be payable to a local enforcing agency only upon the Department's receipt of the inspection report. The inspection report shall be forwarded to the owner and the Department within 20 working days from the date when the inspection/test was performed.

(b) Notwithstanding the inspections and witnessing of tests performed by the local jurisdiction, the Bureau of Code Services shall have sole authority to monitor the performance of qualified firms and qualified elevator device inspectors.

(c) The Bureau shall develop and implement a performance-based monitoring program to assess the conditions impacting on the devices enrolled in this optional program and shall report as required by law.

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§ 5:23-12A.6 Special inspection and compliance procedures

(a) If, upon inspection or test, a qualified elevator device inspector who is employed by a qualified firm shall find that an elevator device is in a dangerous condition, or if there is an immediate hazard to persons riding on or using any such device, the qualified elevator device inspector, on behalf of the qualified firm, shall immediately prohibit any further use of such device and shall give written notice of this action and of the condition to the owner, the enforcing agency having jurisdiction and the Bureau of Code Services, and shall take such other steps as may be necessary to protect the public. Once the device is placed out of operation, it shall remain out of operation until such time as the qualified elevator device inspector shall issue a certification, on behalf of the qualified firm, indicating that the dangerous condition or immediate hazard has been removed or corrected and that the elevator device is safe for public use. Such a certification shall be forwarded to the enforcing agency having jurisdiction, the Bureau of Code Services and the owner before the device may be placed back in operation.

1. If, upon inspection or test, deficiencies beyond the scope of this subchapter are observed, the qualified elevator device inspector shall issue a report on such findings to the owner and shall forward a copy to the construction official and the Bureau of Code Services.

(b) If the enforcing agency having jurisdiction shall determine, at any time, in response to a complaint or otherwise, that an elevator device is in a dangerous condition or that there is an immediate hazard to persons riding on or using that device, the enforcing agency shall prohibit any further use of the elevator device until the condition is corrected, and shall require the owner of the elevator device to make such repairs as may be necessary, or take other corrective action, within such time as the enforcing agency may prescribe. The enforcing agency may charge a fee not exceeding \$ 100.00 for each such inspection or reinspection.